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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,592

01/28/2004

Art Charen

CHAREN-PA-1

5212

7590

07/02/2007

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EXAMINER

BLOUNT, ERIC

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

07/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/767,592

Applicant(s)

CHAREN ET AL.

Examiner

Eric M. Blount

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2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3 and 5 is/are allowed.
- 6) ☒ Claim(s) 6-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Status of Claims

1. Claims 1, 3, 5, 6-11, and 13-18 are pending in the present application.

### *Response to Arguments*

2. Applicant's arguments, see Notice of Appeal, filed on April 27, 2007, with respect to the rejection(s) of claims have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lane et al. Please see the rejection below.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 8 and 16** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 8 recites the limitation "the fingerprint" in line 2. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 16 is claims that data handler software comprises a label printer. It is unclear how software would comprise a hardware component.

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 6-8, 11, 13, 14, 15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lane et al [US 2004/0181678 A1] in view of Kravitz et al [US 5,978,493].

10. With regard to **claim 6**, Lane discloses a method and apparatus for identifying a missing individual comprising:

- A plurality of reporting stations each, including a computer and display ((paragraphs 3, 22, and 74) Lane discloses that reporting stations can be anywhere in the world. The reference teaches that radio, television, and Internet broadcast are made to the public. Lane also discloses that video and audio can be included for addressing the public.);
- A registration station including a computer, cameras for photographing and recording one or more images of a person, personal identification forms (electronic forms), and portable storage medium (paragraphs 68-70); and

- Data handler software resident on a system server ((paragraphs 76-78) Lane teaches that information must be formatted and standardized to work with a plurality of agencies (computers on the network). The appropriate software for handling the data must be present.).

Lane does not specifically disclose a powerhorn, plurality of reporting stations within the same facility (not presently claimed), or a plurality of registration stations. In an analogous art, Kravitz discloses a system comprising a plurality of reporting stations within the same facility (column 2, lines 26-29), and a registration station (column 2, lines 2-15). Kravitz does not specifically disclose a plurality of registration stations. However, Kravitz discloses that a registration station is located at the entrance to a facility (column 2, lines 5-15). One of ordinary skill in the art would have recognized that most facilities include multiple entrances. Using this knowledge it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to equip each entry point in a facility with a registration station so that patrons entering the facility from different directions would be conveniently registered with the system. Neither, Lane nor Kravitz specifically disclose a powerhorn. However, the powerhorn is viewed as means for notifying the public of an event. Lane discloses that video and audio clips may be broadcast to the public. It is obvious that a speaker or public address equipment must be included in order to provide information to the public. The powerhorn is viewed as an interchangeable component for alerting the public of an incident. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the invention of Lane to include the teachings and suggestions of Kravitz because the modification would have resulted in a system capable of alerting the public in a facility/location of a missing

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person and providing the public with information to aide in a safe return of the missing person to a guardian.

As for **claim 7**, Kravitz discloses a data collection module (506, 504, 512, 526), a database (508 or column 4, lines 21-26), and a data transfer module (514). As noted in claim 6, it is obvious that the system of Lane includes appropriate software. Likewise, Kravitz would include all appropriate software components and modules including data compression software (column 3, lines 12-23 and column 4, lines 21-26).

Regarding **claim 8**, as best understood, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that images would have been compressed into records of varying size. One would obviously want to have a large photograph of a missing person's face so that security or bystanders could positively identify the lost person.

Regarding **claim 11**, each of the references teaches a method for alerting security personnel and bystanders that a person is missing. Each reference also, teaches that this system is advantageous in large public facilities such as a school. It is well known that these types of locations are equipped with public address systems. It would have been obvious to one of ordinary skill in the art at the time of the invention by applicant to sound an alarm via a public address system and optionally a power horn when a person is lost. It was shown above that both Kravitz teaches notifying persons at multiple locations of a missing person. A skilled artisan would have recognized that notification using a public address system would have prepared bystanders to be more aware of their surroundings so as to help in locating the lost person.

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As for **claims 13 and 14**, Lane discloses that the portable storage can be a smart card (paragraphs 15 and 16). It would have been obvious to the skilled artisan that a smart card reader must be present for reading and processing the data from the portable storage medium.

As for **claim 15**, Lane is open-ended when describing the portable storage medium. Lane teaches that any known portable storage medium is sufficient (paragraph 15).

Regarding **claims 17-18**, Lane discloses that the public may be addressed using radio, television, and/or the Internet. Lane is silent on the network protocol used. However, it would have been obvious to the skilled artisan to use any known wireless protocol that proved to yield satisfactory communications, including the standard wireless protocol and wireless access point devices.

***Allowable Subject Matter***

11. Claims 1, 3, and 5 are allowed.

***Conclusion***

12. Applicant argues that the present invention teaches an immediate audio (powerhorn) and video (photo display) notification to all bystanders using a particular public address system that is automatically and instantaneously activated when the guardian places a smart card in the reader. It appears that the claim 6 would be allowable if amended to include these limitations, mainly the automatic and instantaneous activation of the public address system upon reading the portable storage medium.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**BENJAMIN C. LEE**  
PRIMARY EXAMINER